

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**In re:**

**CHARLES E. WALKER,  
  
Debtor.**

**Case No. 3:16-bk-03304  
Chapter 11  
Judge Mashburn**

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**RESPONSE TO DEBTOR'S MOTION TO REOPEN ADMINISTRATIVELY  
CLOSED INDIVIDUAL CHAPTER 11 CASE AND DIRECTING [sic] ENTRY  
OF DISCHARGE AND FINAL DECREE**

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Family Trust Services LLC, John Sherrod, Billy Gregory, Steven Reigle, and Regal Homes Co. respond as follows to the Debtor's Motion to Reopen Administratively Closed Individual Chapter 11 Case and Directing Entry of Discharge and Final Decree (Dkt. 1130) filed November 15, 2018:

1. The Respondents have settled and released their claims against the Debtor and, accordingly, have no substantial interest in whether or not the Debtor obtains the relief he seeks.

2. However, the Respondents respond for the purpose of requesting that the Court, in either granting or denying Mr. Walker's motion, enter an order specifying that Mr. Walker has not previously obtained a discharge. Mr. Walker's actions elsewhere have given the Respondents a material interest in that fact, irrespective of their interest or lack of interest in whether Mr. Walker obtains a discharge subsequently.

3. On September 13, 2018, Mr. Walker filed a motion in the District Court (in a case improvidently removed on the same day) seeking to have the Respondents

and their counsel held in contempt for, inter alia, violating the discharge injunction appurtenant to his discharge in this case. (*See* Dkt. 1133-2.)

4. Without correcting or withdrawing his representation to the District Court that he had in fact received a discharge, Mr. Walker then, on November 15, filed the present motion, *seeking* that discharge. Obviously, if Mr. Walker has not yet received a discharge—and he clearly has not, *see* 11 U.S.C. § 1141(d)(5)—the Respondents cannot have violated it, much less contemptuously, prior to September 13 of this year.

5. Thus, irrespective of what else the Court does with Mr. Walker's Motion, it should unambiguously hold that Mr. Walker has not heretofore obtained a discharge in this matter. Whether or not Mr. Walker's act of playing fast and loose with the courts on this matter warrants denial of his motion, it certainly warrants entry of an accurate order putting the kibosh on that conduct.

Respectfully submitted,

s/ Paul J. Krog

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### Certificate of Service

I hereby certify that on December 6, 2018, I filed the foregoing via the Court's ECF system, which is expected to deliver it via electronic means to counsel of record, including the following:

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